

AR&E Docket No. 50425/137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Siamak Tabibzadeh

Serial No. : 10/014,320

Filed : December 11, 2001

For : METHODS FOR DIAGNOSING A PRE-NEOPLASTIC OR
NEOPLASTIC LESION IN TRANSITIONAL EPITHELIAL CELLS

Examiner : Unknown

Group Art Unit : Unknown

#8
Req. for Recon
6/24/02

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MAY 15 2002
LICENSING & REVIEW

REQUEST FOR RECONSIDERATION OF DETERMINATION OF RELEVANCE TO
UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office on May 15, 2002

Commissioner for Patents
Washington, D.C. 20231

Signature

Elie H. Gendloff

Printed Name of Person Signing

Sir:

This Request for Reconsideration is to the Notice mailed April 24, 2002 in the above case deeming the above case to be "useful in the production or utilization of special nuclear material or atomic energy". Applicant believes that the Notice was issued in error, since the subject application is directed to detection of cancer, and does not relate to utilization of nuclear material.

The subject application only refers to the use of nuclear materials as one alternative in the use of routine and well-known protein detection methods (see paragraph 42 on page 15 of the specification); similarly, the use of ^{35}S , ^{32}P , or ^3H is offered as an alternative to non-radioactive detection systems for labeling nucleic acid probes using methods that are routine (paragraph 48, page 18). The application does not provide any new use for nuclear materials, but only describes the use of very small

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amounts of radioactive materials for biochemical techniques that are extremely routine. Nor does the application describe an invention that is useful in the production of nuclear material or production or utilization of atomic energy.

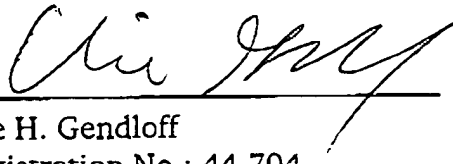
In light of the above discussion, applicant respectfully requests reconsideration and withdrawal of the requirement to provide a declaration describing the circumstances under which the invention was made. The applicant further notes that the application already provides information regarding the funding of this work by the U.S. Government (see page 1, paragraph 2), and an assignment has been made for this work by the inventor to the North Shore-Long Island Jewish Research Institute. The assignment was filed with the Patent Office for recordation on May 2, 2002.

If the Licensing and Review Office wishes to further discuss this Request for Reconsideration, applicant requests that the undersigned attorney be contacted.

Respectfully submitted,

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Dated: New York, New York
May 15, 2002

By: 
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